



General Assembly

January Session, 2005

Raised Bill No. 6012

LCO No. 2795

02795_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING MURDER WITH SPECIAL CIRCUMSTANCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding any other
2 provision of law including, but not limited to, subsections (t) and (u) of
3 section 1-1, section 54-130a and section 54-194 of the general statutes,
4 (1) the sentence of any person convicted of a capital felony and
5 sentenced prior to the effective date of this section to a sentence of
6 death in accordance with section 53a-46a of the general statutes in
7 effect prior to the effective date of this section is commuted to a
8 sentence of life imprisonment without the possibility of release, as
9 defined in section 53a-35b of the general statutes, as amended by this
10 act, on the effective date of this section, and (2) the punishment or
11 penalty for any person who (A) is convicted prior to, on or after the
12 effective date of this section of a capital felony committed prior to the
13 effective date of this section, and (B) is sentenced or resentenced on or
14 after the effective date of this section, shall be a sentence of life
15 imprisonment without the possibility of release, as defined in section
16 53a-35b of the general statutes, as amended by this act, if such offense
17 was committed on or after October 1, 1985, and a sentence of life

18 imprisonment, as defined in section 53a-35b of the general statutes, as
19 amended by this act, if such offense was committed prior to October 1,
20 1985. For the purposes of this section, "capital felony" means a
21 violation of section 53a-54b of the general statutes in effect prior to the
22 effective date of this section.

23 Sec. 2. Section 53a-54b of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective from passage*):

25 A person is guilty of [a capital felony] murder with special
26 circumstances who is convicted of any of the following: (1) Murder of a
27 member of the Division of State Police within the Department of Public
28 Safety or of any local police department, a chief inspector or inspector
29 in the Division of Criminal Justice, a state marshal who is exercising
30 authority granted under any provision of the general statutes, a
31 judicial marshal in performance of the duties of a judicial marshal, a
32 constable who performs criminal law enforcement duties, a special
33 policeman appointed under section 29-18, a conservation officer or
34 special conservation officer appointed by the Commissioner of
35 Environmental Protection under the provisions of section 26-5, an
36 employee of the Department of Correction or a person providing
37 services on behalf of said department when such employee or person
38 is acting within the scope of such employee's or person's employment
39 or duties in a correctional institution or facility and the actor is
40 confined in such institution or facility, or any firefighter, while such
41 victim was acting within the scope of such victim's duties; (2) murder
42 committed by a defendant who is hired to commit the same for
43 pecuniary gain or murder committed by one who is hired by the
44 defendant to commit the same for pecuniary gain; (3) murder
45 committed by one who has previously been convicted of intentional
46 murder or of murder committed in the course of commission of a
47 felony; (4) murder committed by one who was, at the time of
48 commission of the murder, under sentence of life imprisonment; (5)
49 murder by a kidnapper of a kidnapped person during the course of the
50 kidnapping or before such person is able to return or be returned to

51 safety; (6) murder committed in the course of the commission of sexual
52 assault in the first degree; (7) murder of two or more persons at the
53 same time or in the course of a single transaction; or (8) murder of a
54 person under sixteen years of age.

55 Sec. 3. Section 53a-35a of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective from passage*):

57 For any felony committed on or after [July 1, 1981] the effective date
58 of this section, the sentence of imprisonment shall be a definite
59 sentence and the term shall be fixed by the court as follows: (1) For [a
60 capital felony] the class A felony of murder with special circumstances,
61 a term of life imprisonment without the possibility of release; [unless a
62 sentence of death is imposed in accordance with section 53a-46a;] (2)
63 for the class A felony of murder, a term not less than twenty-five years
64 nor more than life; (3) for a class A felony other than murder, a term
65 not less than ten years nor more than twenty-five years; (4) for the class
66 B felony of manslaughter in the first degree with a firearm under
67 section 53a-55a, a term not less than five years nor more than forty
68 years; (5) for a class B felony other than manslaughter in the first
69 degree with a firearm under section 53a-55a, a term not less than one
70 year nor more than twenty years, except that for a conviction under
71 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-
72 134(a)(2), the term shall be not less than five years nor more than
73 twenty years; (6) for a class C felony, a term not less than one year nor
74 more than ten years, except that for a conviction under section 53a-56a,
75 the term shall be not less than three years nor more than ten years; (7)
76 for a class D felony, a term not less than one year nor more than five
77 years, except that for a conviction under section 53a-60b or 53a-217, the
78 term shall be not less than two years nor more than five years, for a
79 conviction under section 53a-60c, the term shall be not less than three
80 years nor more than five years, and for a conviction under section 53a-
81 216, the term shall be five years; (8) for an unclassified felony, a term in
82 accordance with the sentence specified in the section of the general
83 statutes that defines the crime.

84 Sec. 4. Section 53a-35b of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective from passage*):

86 [A] For the purposes of this title and titles 51 and 54, (1) a sentence
87 of [imprisonment for life shall mean] life imprisonment means a
88 definite sentence of sixty years, [unless the] and (2) a sentence [is] of
89 life imprisonment without the possibility of release, imposed pursuant
90 to [subsection (g) of section 53a-46a, in which case the sentence shall
91 be] subdivision (1) of section 53a-35a, as amended by this act, means
92 imprisonment for the remainder of the defendant's natural life without
93 the possibility of parole, sentence reduction, temporary leave, furlough
94 or any other kind of post-conviction conditional or absolute release.

95 Sec. 5. Subsection (a) of section 53a-45 of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective from*
97 *passage*):

98 (a) Murder is punishable as a class A felony in accordance with
99 subdivision (2) of section 53a-35a, as amended by this act, unless it is [a
100 capital felony] murder with special circumstances under section 53a-
101 54b, as amended by this act, punishable as a class A felony in
102 accordance with subdivision (1) of section 53a-35a, as amended by this
103 act, or murder under section 53a-54d.

104 Sec. 6. Subsection (c) of section 53a-54a of the general statutes is
105 repealed and the following is substituted in lieu thereof (*Effective from*
106 *passage*):

107 (c) Murder is punishable as a class A felony in accordance with
108 subdivision (2) of section 53a-35a, as amended by this act, unless it is [a
109 capital felony] murder with special circumstances under section 53a-
110 54b, as amended by this act, punishable as a class A felony in
111 accordance with subdivision (1) of section 53a-35a, as amended by this
112 act, or murder under section 53a-54d.

113 Sec. 7. Subsection (m) of section 10-145b of the general statutes is

114 repealed and the following is substituted in lieu thereof (*Effective from*
115 *passage*):

116 (m) (1) The State Board of Education may revoke any certificate,
117 authorization or permit issued pursuant to sections 10-144o to 10-149,
118 inclusive, for any of the following reasons: (A) The holder of the
119 certificate, authorization or permit obtained such certificate,
120 authorization or permit through fraud or misrepresentation of a
121 material fact; (B) the holder has persistently neglected to perform the
122 duties for which the certificate, authorization or permit was granted;
123 (C) the holder is professionally unfit to perform the duties for which
124 the certificate, authorization or permit was granted; (D) the holder is
125 convicted in a court of law of a crime involving moral turpitude or of
126 any other crime of such nature that in the opinion of the board
127 continued holding of a certificate, authorization or permit by the
128 person would impair the standing of certificates, authorizations or
129 permits issued by the board; or (E) other due and sufficient cause. The
130 State Board of Education shall revoke any certificate, authorization or
131 permit issued pursuant to said sections if the holder is found to have
132 intentionally disclosed specific questions or answers to students or
133 otherwise improperly breached the security of any administration of a
134 state-wide examination pursuant to section 10-14n. In any revocation
135 proceeding pursuant to this section, the State Board of Education shall
136 have the burden of establishing the reason for such revocation by a
137 preponderance of the evidence. Revocation shall be in accordance with
138 procedures established by the State Board of Education pursuant to
139 chapter 54.

140 (2) When the Commissioner of Education is notified, pursuant to
141 section 10-149a or 17a-101i that a person holding a certificate,
142 authorization or permit issued by the State Board of Education under
143 the provisions of sections 10-144o to 10-149, inclusive, has been
144 convicted of (A) a capital felony, pursuant to section 53a-54b in effect
145 prior to the effective date of this section, (B) arson murder, pursuant to
146 section 53a-54d, (C) a class A felony, (D) a class B felony, except a

147 violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving
 148 an act of child abuse or neglect as described in section 46b-120, or (F) a
 149 violation of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-
 150 72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-
 151 196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of section 21a-277,
 152 any certificate, permit or authorization issued by the State Board of
 153 Education and held by such person shall be deemed revoked and the
 154 commissioner shall notify such person of such revocation, provided
 155 such person may request reconsideration pursuant to regulations
 156 adopted by the State Board of Education, in accordance with the
 157 provisions of chapter 54.

158 (3) The State Board of Education may deny an application for a
 159 certificate, authorization or permit for any of the following reasons: (A)
 160 The applicant seeks to obtain a certificate, authorization or permit
 161 through fraud or misrepresentation of a material fact; (B) the applicant
 162 has been convicted in a court of law of a crime involving moral
 163 turpitude or of any other crime of such nature that in the opinion of
 164 the board issuance of a certificate, authorization or permit would
 165 impair the standing of certificates, authorizations or permits issued by
 166 the board; or (C) other due and sufficient cause. Any applicant denied
 167 a certificate, authorization or permit shall be notified in writing of the
 168 reasons for denial. Any applicant denied a certificate, authorization or
 169 permit may request a review of such denial by the State Board of
 170 Education.

171 Sec. 8. Section 10-145i of the general statutes is repealed and the
 172 following is substituted in lieu thereof (*Effective from passage*):

173 Notwithstanding the provisions of sections 10-144a to 10-146b,
 174 inclusive, and 10-149, the State Board of Education shall not issue or
 175 reissue any certificate, authorization or permit pursuant to said
 176 sections if (1) the applicant for such certificate, authorization or permit
 177 has been convicted of any of the following: (A) A capital felony, as
 178 defined in section 53a-54b in effect prior to the effective date of this

179 section; (B) arson murder, as defined in section 53a-54d; (C) any Class
 180 A felony; (D) any Class B felony except a violation of section 53a-122,
 181 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
 182 neglect as described in section 46b-120; or (F) a violation of section 53-
 183 21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88,
 184 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-
 185 217b or 21a-278 or a violation of subsection (a) of section 21a-277, and
 186 (2) the applicant completed serving the sentence for such conviction
 187 within the five years immediately preceding the date of the
 188 application.

189 Sec. 9. Subsection (a) of section 46b-127 of the general statutes is
 190 repealed and the following is substituted in lieu thereof (*Effective from*
 191 *passage*):

192 (a) The court shall automatically transfer from the docket for
 193 juvenile matters to the regular criminal docket of the Superior Court
 194 the case of any child charged with the commission of a capital felony
 195 under section 53a-54b in effect prior to the effective date of this section,
 196 a class A or B felony or a violation of section 53a-54d, provided such
 197 offense was committed after such child attained the age of fourteen
 198 years and counsel has been appointed for such child if such child is
 199 indigent. Such counsel may appear with the child but shall not be
 200 permitted to make any argument or file any motion in opposition to
 201 the transfer. The child shall be arraigned in the regular criminal docket
 202 of the Superior Court at the next court date following such transfer,
 203 provided any proceedings held prior to the finalization of such transfer
 204 shall be private and shall be conducted in such parts of the courthouse
 205 or the building wherein court is located as shall be separate and apart
 206 from the other parts of the court which are then being held for
 207 proceedings pertaining to adults charged with crimes. The file of any
 208 case so transferred shall remain sealed until the end of the tenth
 209 working day following such arraignment unless the state's attorney
 210 has filed a motion pursuant to this subsection, in which case such file
 211 shall remain sealed until the court makes a decision on the motion. A

212 state's attorney may, not later than ten working days after such
213 arraignment, file a motion to transfer the case of any child charged
214 with the commission of a class B felony or a violation of subdivision (2)
215 of subsection (a) of section 53a-70 to the docket for juvenile matters for
216 proceedings in accordance with the provisions of this chapter. The
217 court sitting for the regular criminal docket shall, after hearing and not
218 later than ten working days after the filing of such motion, decide such
219 motion.

220 Sec. 10. Subsection (a) of section 46b-133 of the general statutes is
221 repealed and the following is substituted in lieu thereof (*Effective from*
222 *passage*):

223 (a) Nothing in this part shall be construed as preventing the arrest of
224 a child, with or without a warrant, as may be provided by law, or as
225 preventing the issuance of warrants by judges in the manner provided
226 by section 54-2a, except that no child shall be taken into custody on
227 such process except on apprehension in the act, or on speedy
228 information, or in other cases when the use of such process appears
229 imperative. Whenever a child is arrested and charged with a crime,
230 such child may be required to submit to the taking of his photograph,
231 physical description and fingerprints. Notwithstanding the provisions
232 of section 46b-124, the name, photograph and custody status of any
233 child arrested for the commission of a capital felony under section 53a-
234 54b in effect prior to the effective date of this section or class A felony
235 may be disclosed to the public.

236 Sec. 11. Subsection (c) of section 51-36 of the general statutes is
237 repealed and the following is substituted in lieu thereof (*Effective from*
238 *passage*):

239 (c) (1) In cases in which a person has been convicted after trial of a
240 felony, other than a capital felony under section 53a-54b in effect prior
241 to the effective date of this section or murder with special
242 circumstances under section 53a-54b, as amended by this act, in effect
243 on or after the effective date of this section, the official records of

244 evidence or judicial proceedings in the court may be destroyed upon
245 the expiration of twenty years from the date of disposition of such case
246 or upon the expiration of the sentence imposed upon such person,
247 whichever is later.

248 (2) In cases in which a person has been convicted after trial of a
249 capital felony under section 53a-54b in effect prior to the effective date
250 of this section or murder with special circumstances under section 53a-
251 54b, as amended by this act, in effect on or after the effective date of
252 this section, the official records of evidence or judicial proceedings in
253 the court may be destroyed upon the expiration of seventy-five years
254 from the conviction of such person.

255 Sec. 12. Subsection (b) of section 51-199 of the general statutes is
256 repealed and the following is substituted in lieu thereof (*Effective from*
257 *passage*):

258 (b) The following matters shall be taken directly to the Supreme
259 Court: (1) Any matter brought pursuant to the original jurisdiction of
260 the Supreme Court under section 2 of article sixteen of the
261 amendments to the Constitution; (2) an appeal in any matter where the
262 Superior Court declares invalid a state statute or a provision of the
263 state Constitution; (3) an appeal in any criminal action involving a
264 conviction for a capital felony [,] under section 53a-54b in effect prior
265 to the effective date of this section, a class A felony [,] or any other
266 felony, including any persistent offender status, for which the
267 maximum sentence which may be imposed exceeds twenty years; [(4)
268 review of a sentence of death pursuant to section 53a-46b; (5)] (4) any
269 election or primary dispute brought to the Supreme Court pursuant to
270 section 9-323 or 9-325; [(6)] (5) an appeal of any reprimand or censure
271 of a probate judge pursuant to section 45a-65; [(7)] (6) any matter
272 regarding judicial removal or suspension pursuant to section 51-51j;
273 [(8)] (7) an appeal of any decision of the Judicial Review Council
274 pursuant to section 51-51r; [(9)] (8) any matter brought to the Supreme
275 Court pursuant to section 52-265a; [(10)] (9) writs of error; and [(11)]

276 (10) any other matter as provided by law.

277 Sec. 13. Section 51-246 of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective from passage*):

279 In the trial of any [capital case or any case involving imprisonment
280 for life] offense punishable by life imprisonment or life imprisonment
281 without the possibility of release, the court may, in its discretion,
282 require the jury to remain together in the charge of judicial marshals
283 during the trial and until the jury is discharged by the court from
284 further consideration of the case.

285 Sec. 14. Section 51-286c of the general statutes is repealed and the
286 following is substituted in lieu thereof (*Effective from passage*):

287 The state's attorney for any judicial district may employ one or more
288 detectives to investigate for the purpose of discovering the
289 perpetrators of any crime committed within this state, whenever the
290 penalty for such crime is [capital punishment or imprisonment in the
291 Connecticut Correctional Institution, Somers] life imprisonment or life
292 imprisonment without the possibility of release. The expenses incurred
293 in the employment of such detectives shall be paid from the State
294 Treasury on an order from the state's attorney employing them.

295 Sec. 15. Subsection (a) of section 52-434 of the general statutes is
296 repealed and the following is substituted in lieu thereof (*Effective from*
297 *passage*):

298 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
299 Court, each judge of the Superior Court and each judge of the Court of
300 Common Pleas who ceases or has ceased to hold office because of
301 retirement other than under the provisions of section 51-49 and who is
302 an elector and a resident of this state shall be a state referee for the
303 remainder of such judge's term of office as a judge and shall be eligible
304 for appointment as a state referee during the remainder of such judge's
305 life in the manner prescribed by law for the appointment of a judge of

306 the court of which such judge is a member. The Superior Court may
307 refer any civil, nonjury case or with the written consent of the parties
308 or their attorneys, any civil jury case pending before the court in which
309 the issues have been closed to a judge trial referee who shall have and
310 exercise the powers of the Superior Court in respect to trial, judgment
311 and appeal in the case, and any proceeding resulting from a demand
312 for a trial de novo pursuant to subsection (e) of section 52-549z may be
313 referred without the consent of the parties to a judge trial referee who
314 has been specifically designated to hear such proceedings pursuant to
315 subsection (b) of this section. The Superior Court may, with the
316 consent of the parties or their attorneys, refer any criminal case to a
317 judge trial referee who shall have and exercise the powers of the
318 Superior Court in respect to trial, judgment, sentencing and appeal in
319 the case, except that the Superior Court may, without the consent of
320 the parties or their attorneys, (A) refer any criminal case, other than a
321 criminal jury trial, to a judge trial referee assigned to a geographical
322 area criminal court session, and (B) refer any criminal case, other than
323 a class A or B felony or capital felony under section 53a-54b in effect
324 prior to the effective date of this section, to a judge trial referee to
325 preside over the jury selection process and any voir dire examination
326 conducted in such case, unless good cause is shown not to refer.

327 (2) Each judge of the Circuit Court who has ceased to hold office
328 because of retirement other than under the provisions of section 51-49
329 and who is an elector and a resident of this state shall be a state referee
330 for the remainder of such judge's term of office as a judge and shall be
331 eligible for appointment as a state referee during the remainder of such
332 judge's life in the manner prescribed by law for the appointment of a
333 judge of the court of which such judge is a member, to whom the
334 Superior Court may, with the written consent of the parties or their
335 attorneys, refer any case pending in court in which the issues have
336 been closed and which the judges of the Superior Court may establish
337 by rule to be the kind of case which may be heard by such referees
338 who have been appointed judge trial referees pursuant to subsection
339 (b) of this section. The judge trial referee shall hear any such case so

340 referred and report the facts to the court by which the case was
341 referred.

342 (3) Each judge of the Juvenile Court who ceases or has ceased to
343 hold office because of retirement other than under the provisions of
344 section 51-49 and who is an elector and a resident of this state shall be
345 a state referee for the remainder of such judge's term of office as a
346 judge and shall be eligible for appointment as a state referee during the
347 remainder of such judge's life in the manner prescribed by law for the
348 appointment of a judge of the court of which such judge is a member,
349 to whom a judge before whom any juvenile matter is pending may,
350 with the written consent of the child concerned, either of such child's
351 parents, or such child's guardian or attorney, refer any juvenile matter
352 pending, provided such referee has been appointed a judge trial
353 referee specifically designated to hear juvenile cases pursuant to
354 subsection (b) of this section. The judge trial referee shall hear any
355 matter so referred and report the facts to the court for the district from
356 which the matter was referred.

357 (4) In addition to the judge trial referees who are appointed
358 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
359 Justice may appoint, from qualified members of the bar of the state,
360 who are electors and residents of this state, as many state referees as
361 the Chief Justice may from time to time deem advisable or necessary.
362 No appointment of a member of the bar may be for a term of more
363 than three years. Notwithstanding the provisions of subsection (f) of
364 this section, state referees appointed by the Chief Justice from
365 members of the bar shall receive such reasonable compensation and
366 expenses as may be determined by the Chief Justice. The Superior
367 Court may appoint a state referee pursuant to this subdivision to take
368 such evidence as it directs in any civil, nonjury case including, but not
369 limited to, appeals under section 8-8. Any such state referee shall
370 report on such evidence to the court with any findings of fact. The
371 report shall constitute a part of the proceeding upon which the
372 determination of the court shall be made.

373 Sec. 16. Subsection (b) of section 53a-25 of the general statutes is
374 repealed and the following is substituted in lieu thereof (*Effective from*
375 *passage*):

376 (b) Felonies are classified for the purposes of sentence as follows: (1)
377 Class A, (2) class B, (3) class C, (4) class D, and (5) unclassified, [and (6)
378 capital felonies.]

379 Sec. 17. Subsection (b) of section 53a-28 of the general statutes is
380 repealed and the following is substituted in lieu thereof (*Effective from*
381 *passage*):

382 (b) [Except as provided in section 53a-46a, when] Whenever a
383 person is convicted of an offense, the court shall impose one of the
384 following sentences: (1) A term of imprisonment; or (2) a sentence
385 authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of
386 imprisonment and a fine; or (5) a term of imprisonment, with the
387 execution of such sentence of imprisonment suspended, entirely or
388 after a period set by the court, and a period of probation or a period of
389 conditional discharge; or (6) a term of imprisonment, with the
390 execution of such sentence of imprisonment suspended, entirely or
391 after a period set by the court, and a fine and a period of probation or a
392 period of conditional discharge; or (7) a fine and a sentence authorized
393 by section 18-65a or 18-73; or (8) a sentence of unconditional discharge;
394 or (9) a term of imprisonment and a period of special parole as
395 provided in section 54-125e.

396 Sec. 18. Subsection (a) of section 53a-30 of the general statutes is
397 repealed and the following is substituted in lieu thereof (*Effective from*
398 *passage*):

399 (a) When imposing sentence of probation or conditional discharge,
400 the court may, as a condition of the sentence, order that the defendant:
401 (1) Work faithfully at a suitable employment or faithfully pursue a
402 course of study or of vocational training that will equip the defendant
403 for suitable employment; (2) undergo medical or psychiatric treatment

404 and remain in a specified institution, when required for that purpose;
405 (3) support the defendant's dependents and meet other family
406 obligations; (4) make restitution of the fruits of the defendant's offense
407 or make restitution, in an amount the defendant can afford to pay or
408 provide in a suitable manner, for the loss or damage caused thereby
409 and the court may fix the amount thereof and the manner of
410 performance; (5) if a minor, (A) reside with the minor's parents or in a
411 suitable foster home, (B) attend school, and (C) contribute to the
412 minor's own support in any home or foster home; (6) post a bond or
413 other security for the performance of any or all conditions imposed; (7)
414 refrain from violating any criminal law of the United States, this state
415 or any other state; (8) if convicted of a misdemeanor or a felony, other
416 than a capital felony under section 53a-54b in effect prior to the
417 effective date of this section, a class A felony or a violation of section
418 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or
419 any offense for which there is a mandatory minimum sentence which
420 may not be suspended or reduced by the court, and any sentence of
421 imprisonment is suspended, participate in an alternate incarceration
422 program; (9) reside in a residential community center or halfway
423 house approved by the Commissioner of Correction, and contribute to
424 the cost incident to such residence; (10) participate in a program of
425 community service labor in accordance with section 53a-39c; (11)
426 participate in a program of community service in accordance with
427 section 51-181c; (12) if convicted of a violation of subdivision (2) of
428 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
429 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
430 if convicted of a criminal offense against a victim who is a minor, a
431 nonviolent sexual offense or a sexually violent offense, as defined in
432 section 54-250, or of a felony that the court finds was committed for a
433 sexual purpose, as provided in section 54-254, register such person's
434 identifying factors, as defined in section 54-250, with the
435 Commissioner of Public Safety when required pursuant to section 54-
436 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic
437 monitoring; (15) if convicted of a violation of section 46a-58, 53-37a,

438 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime
439 education program; (16) if convicted of a violation of section 53-247,
440 undergo psychiatric or psychological counseling or participate in an
441 animal cruelty prevention and education program provided such a
442 program exists and is available to the defendant; or (17) satisfy any
443 other conditions reasonably related to the defendant's rehabilitation.
444 The court shall cause a copy of any such order to be delivered to the
445 defendant and to the probation officer, if any.

446 Sec. 19. Subsection (b) of section 53a-35 of the general statutes is
447 repealed and the following is substituted in lieu thereof (*Effective from*
448 *passage*):

449 (b) The maximum term of an indeterminate sentence shall be fixed
450 by the court and specified in the sentence as follows: (1) For a class A
451 felony, life imprisonment; (2) for a class B felony, a term not to exceed
452 twenty years; (3) for a class C felony, a term not to exceed ten years; (4)
453 for a class D felony, a term not to exceed five years; (5) for an
454 unclassified felony, a term in accordance with the sentence specified in
455 the section of the general statutes that defines the crime; and (6) for a
456 capital felony under section 53a-54b in effect prior to the effective date
457 of this section, life imprisonment. [unless a sentence of death is
458 imposed in accordance with section 53a-46a.]

459 Sec. 20. Subsection (a) of section 53a-39a of the general statutes is
460 repealed and the following is substituted in lieu thereof (*Effective from*
461 *passage*):

462 (a) In all cases where a defendant has been convicted of a
463 misdemeanor or a felony, other than a capital felony under section 53a-
464 54b in effect prior to the effective date of this section, a class A felony
465 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
466 57, 53a-58 or 53a-70b or any other offense for which there is a
467 mandatory minimum sentence which may not be suspended or
468 reduced by the court, after trial or by a plea of guilty without trial, and
469 a term of imprisonment is part of a stated plea agreement or the

470 statutory penalty provides for a term of imprisonment, the court may,
 471 in its discretion, order an assessment for placement in an alternate
 472 incarceration program under contract with the Judicial Department. If
 473 the Court Support Services Division recommends placement in an
 474 alternate incarceration program, it shall also submit to the court a
 475 proposed alternate incarceration plan. Upon completion of the
 476 assessment, the court shall determine whether such defendant shall be
 477 ordered to participate in such program as an alternative to
 478 incarceration. If the court determines that the defendant shall
 479 participate in such program, the court shall suspend any sentence of
 480 imprisonment and shall make participation in the alternate
 481 incarceration program a condition of probation as provided in section
 482 53a-30.

483 Sec. 21. Subsection (a) of section 53a-40d of the general statutes is
 484 repealed and the following is substituted in lieu thereof (*Effective from*
 485 *passage*):

486 (a) A persistent offender of crimes involving assault, stalking,
 487 trespass, threatening, harassment, criminal violation of a protective
 488 order or criminal violation of a restraining order is a person who (1)
 489 stands convicted of assault under section 53a-61, stalking under section
 490 53a-181d, threatening under section 53a-62, harassment under section
 491 53a-183, criminal violation of a protective order under section 53a-223,
 492 criminal violation of a restraining order under section 53a-223b or
 493 criminal trespass under section 53a-107 or 53a-108, and (2) has, within
 494 the five years preceding the commission of the present crime, been
 495 convicted of a capital felony under section 53a-54b in effect prior to the
 496 effective date of this section, a class A felony, a class B felony, except a
 497 conviction under section 53a-86 or 53a-122, a class C felony, except a
 498 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony
 499 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,
 500 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section
 501 53a-61, stalking under section 53a-181d, threatening under section 53a-
 502 62, harassment under section 53a-183, criminal violation of a protective

503 order under section 53a-223, criminal violation of a restraining order
504 under section 53a-223b, or criminal trespass under section 53a-107 or
505 53a-108 or has been released from incarceration with respect to such
506 conviction, whichever is later.

507 Sec. 22. Section 53a-46d of the general statutes is repealed and the
508 following is substituted in lieu thereof (*Effective from passage*):

509 A victim impact statement prepared with the assistance of a victim
510 advocate to be placed in court files in accordance with subdivision (2)
511 of subsection (a) of section 54-220 may be read in court prior to
512 imposition of sentence upon a defendant found guilty of a crime
513 punishable by [death] life imprisonment without the possibility of
514 release.

515 Sec. 23. Subsection (a) of section 53a-182b of the general statutes is
516 repealed and the following is substituted in lieu thereof (*Effective from*
517 *passage*):

518 (a) A person is guilty of harassment in the first degree when, with
519 the intent to harass, annoy, alarm or terrorize another person, he
520 threatens to kill or physically injure that person or any other person,
521 and communicates such threat by telephone, or by telegraph, mail,
522 computer network, as defined in section 53a-250, or any other form of
523 written communication, in a manner likely to cause annoyance or
524 alarm and has been convicted of a capital felony under section 53a-54b
525 in effect prior to the effective date of this section, a class A felony, a
526 class B felony, except a conviction under section 53a-86 or 53a-122, a
527 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
528 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
529 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For
530 the purposes of this section, "convicted" means having a judgment of
531 conviction entered by a court of competent jurisdiction.

532 Sec. 24. Subsection (a) of section 53a-217d of the general statutes is
533 repealed and the following is substituted in lieu thereof (*Effective from*

534 *passage*):

535 (a) A person is guilty of criminal possession of body armor when he
 536 possesses body armor and has been (1) convicted of a capital felony
 537 under section 53a-54b in effect prior to the effective date of this section,
 538 a class A felony, except a conviction under section 53a-196a, a class B
 539 felony, except a conviction under section 53a-86, 53a-122 or 53a-196b, a
 540 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
 541 153 or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
 542 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or
 543 (2) convicted as delinquent for the commission of a serious juvenile
 544 offense, as defined in section 46b-120.

545 Sec. 25. Subsection (b) of section 54-2a of the general statutes is
 546 repealed and the following is substituted in lieu thereof (*Effective from*
 547 *passage*):

548 (b) The court, judge or judge trial referee issuing a bench warrant
 549 for the arrest of the person or persons complained against shall, in
 550 cases punishable by [death or] life imprisonment or life imprisonment
 551 without the possibility of release, set the conditions of release or
 552 indicate that the person or persons named in the warrant shall not be
 553 entitled to bail and may, in all other cases, set the conditions of release.
 554 The conditions of release, if included in the warrant, shall fix the first
 555 of the following conditions which the court, judge or judge trial referee
 556 finds necessary to assure such person's appearance in court: (1)
 557 Written promise to appear; (2) execution of a bond without surety in
 558 no greater amount than necessary; or (3) execution of a bond with
 559 surety in no greater amount than necessary.

560 Sec. 26. Subsection (b) of section 54-45 of the general statutes is
 561 repealed and the following is substituted in lieu thereof (*Effective from*
 562 *passage*):

563 (b) No person shall be put to plea or held to trial for any crime the
 564 punishment of which may be [death or imprisonment for] life

565 imprisonment or life imprisonment without the possibility of release,
566 charged by the state before May 26, 1983, unless an indictment has
567 been found against [him] such person for such crime by a grand jury
568 legally impaneled and sworn, and no bill shall be presented by any
569 grand jury unless at least twelve of the jurors agree to it.

570 Sec. 27. Section 54-46 of the general statutes is repealed and the
571 following is substituted in lieu thereof (*Effective from passage*):

572 For all crimes charged by the state on or after May 26, 1983, the
573 prosecution may be by complaint or information. [For all crimes
574 punishable by death or imprisonment for life charged by the state
575 before May 26, 1983, the prosecution shall be by indictment.]

576 Sec. 28. Subsection (a) of section 54-46a of the general statutes is
577 repealed and the following is substituted in lieu thereof (*Effective from*
578 *passage*):

579 (a) No person charged by the state, who has not been indicted by a
580 grand jury prior to May 26, 1983, shall be put to plea or held to trial for
581 any crime punishable by [death or] life imprisonment or life
582 imprisonment without the possibility of release unless the court at a
583 preliminary hearing determines there is probable cause to believe that
584 the offense charged has been committed and that the accused person
585 has committed it. The accused person may knowingly and voluntarily
586 waive such preliminary hearing to determine probable cause.

587 Sec. 29. Section 54-48 of the general statutes is repealed and the
588 following is substituted in lieu thereof (*Effective from passage*):

589 When any crime punishable by [death or] imprisonment for more
590 than one year has been committed, the Governor, upon application of
591 the state's attorney for the judicial district in which it has been
592 committed, may offer, publicly, a reward not exceeding fifty thousand
593 dollars, to the person who gives information leading to the arrest and
594 conviction of the guilty person, or, if such guilty person has fled after

595 conviction of a felony in a court of this state, to the person who gives
596 information leading to the arrest and detention of the convicted felon,
597 whether found within the state or elsewhere, which reward shall be
598 paid to the informer by the state, by order of the court before which
599 such conviction is had.

600 Sec. 30. Section 54-53 of the general statutes is repealed and the
601 following is substituted in lieu thereof (*Effective from passage*):

602 Each person detained in a community correctional center pursuant
603 to the issuance of a bench warrant of arrest or for arraignment,
604 sentencing or trial for [an offense not punishable by death] any offense
605 shall be entitled to bail and shall be released from such institution
606 upon entering into a recognizance, with sufficient surety, or upon
607 posting cash bail as provided in section 54-66, for the detained person's
608 appearance before the court having cognizance of the offense, to be
609 taken by any person designated by the Commissioner of Correction at
610 the institution where the person is detained. The person so designated
611 shall deliver the recognizance or cash bail to the clerk of the
612 appropriate court before the opening of the court on the first court day
613 thereafter. When cash bail in excess of ten thousand dollars is received
614 for a detained person accused of a felony, where the underlying facts
615 and circumstances of the felony involve the use, attempted use or
616 threatened use of physical force against another person, the person so
617 designated shall prepare a report that contains (1) the name, address
618 and taxpayer identification number of the detained person, (2) the
619 name, address and taxpayer identification number of each person
620 offering the cash bail, other than a person licensed as a professional
621 bondsman under chapter 533 or a surety bail bond agent under
622 chapter 700f, (3) the amount of cash received, and (4) the date the cash
623 was received. Not later than fifteen days after receipt of such cash bail,
624 the person so designated shall file the report with the Department of
625 Revenue Services and mail a copy of the report to the state's attorney
626 for the judicial district in which the alleged offense was committed and
627 to each person offering the cash bail.

628 Sec. 31. Subsection (a) of section 54-53a of the general statutes is
629 repealed and the following is substituted in lieu thereof (*Effective from*
630 *passage*):

631 (a) No person who has not made bail may be detained in a
632 community correctional center pursuant to the issuance of a bench
633 warrant of arrest or for arraignment, sentencing or trial for [an offense
634 not punishable by death,] any offense for longer than forty-five days,
635 unless at the expiration of the forty-five days [he] such person is
636 presented to the court having cognizance of the offense. On each such
637 presentment, the court may reduce, modify or discharge the bail, or
638 may for cause shown remand the person to the custody of the
639 Commissioner of Correction. On the expiration of each successive
640 forty-five-day period, the person may again by motion be presented to
641 the court for such purpose.

642 Sec. 32. Section 54-82 of the general statutes is repealed and the
643 following is substituted in lieu thereof (*Effective from passage*):

644 (a) In any criminal case, prosecution or proceeding, the [party]
645 accused may, if [he] the accused so elects when called upon to plead,
646 be tried by the court instead of by the jury; and, in such case, the court
647 shall have jurisdiction to hear and try such case and render judgment
648 and sentence thereon.

649 (b) If the accused is charged with a crime punishable by [death or
650 imprisonment for] life imprisonment or life imprisonment without the
651 possibility of release and elects to be tried by the court, the court shall
652 be composed of three judges to be designated by the Chief Court
653 Administrator, or [his] the Chief Court Administrator's designee, who
654 shall name one such judge to preside over the trial. Such judges, or a
655 majority of them, shall have power to decide all questions of law and
656 fact arising upon the trial and render judgment accordingly.

657 (c) If the [party] accused does not elect to be tried by the court, [he]
658 the accused shall be tried by a jury of six, except that no person []

659 charged with an offense which is punishable by [death or] life
660 imprisonment [,] or life imprisonment without the possibility of release
661 shall be tried by a jury of less than twelve without [his] such person's
662 consent.

663 Sec. 33. Section 54-82g of the general statutes is repealed and the
664 following is substituted in lieu thereof (*Effective from passage*):

665 The accused may challenge peremptorily, in any criminal trial
666 before the Superior Court for any offense punishable by [death] life
667 imprisonment without the possibility of release, twenty-five jurors; for
668 any offense punishable by [imprisonment for] life imprisonment,
669 fifteen jurors; for any offense the punishment for which may be
670 imprisonment for more than one year and for less than life, six jurors;
671 and for any other offense, three jurors. In any criminal trial in which
672 the accused is charged with more than one count on the information or
673 where there is more than one information, the number of challenges is
674 determined by the count carrying the highest maximum punishment.
675 The state, on the trial of any criminal prosecution, may challenge
676 peremptorily the same number of jurors as the accused.

677 Sec. 34. Subsection (a) of section 54-82h of the general statutes is
678 repealed and the following is substituted in lieu thereof (*Effective from*
679 *passage*):

680 (a) In any criminal prosecution to be tried to the jury in the Superior
681 Court if it appears to the court that the trial is likely to be protracted,
682 the court may, in its discretion, direct that, after a jury has been
683 selected, two or more additional jurors shall be added to the jury
684 panel, to be known as "alternate jurors". Such alternate jurors shall
685 have the same qualifications and be selected and subject to
686 examination and challenge in the same manner and to the same extent
687 as the jurors constituting the regular panel, provided, in any case when
688 the court directs the selection of alternate jurors, the number of
689 peremptory challenges allowed shall be as follows: In any criminal
690 prosecution the state and the accused may each peremptorily

691 challenge thirty jurors if the offense for which the accused is arraigned
692 is punishable by [death] life imprisonment without the possibility of
693 release, eighteen jurors if the offense is punishable by life
694 imprisonment, eight jurors if the offense is punishable by
695 imprisonment for more than one year and for less than life, and four
696 jurors in any other case.

697 Sec. 35. Section 54-82j of the general statutes is repealed and the
698 following is substituted in lieu thereof (*Effective from passage*):

699 Upon the written complaint of any state's attorney addressed to the
700 clerk of the superior court for the judicial district wherein such state's
701 attorney resides, alleging (1) that a person named therein is or will be a
702 material witness in a criminal proceeding then pending before or
703 returnable to the superior court for such judicial district, and in which
704 proceeding any person is or may be charged with an offense
705 punishable by [death or] imprisonment for more than one year, and (2)
706 that the state's attorney believes that such witness is likely to disappear
707 from the state, secrete himself or herself or otherwise avoid the service
708 of subpoena upon him or her, or refuse or fail to appear and attend in
709 and before such superior court as a witness, when desired, the clerk or
710 any assistant clerk of the court shall issue a warrant addressed to any
711 proper officer or indifferent person, for the arrest of the person named
712 as a witness, and directing that such person be forthwith brought
713 before any judge of the superior court for such judicial district, for
714 examination. The person serving the warrant shall bring the person so
715 arrested before the judge for examination as soon as is reasonably
716 possible and hold [him] such arrested person subject to the further
717 orders of the judge. The person serving the warrant shall also notify
718 the state's attorney of such arrest and of the time and place of such
719 examination.

720 Sec. 36. Section 54-83 of the general statutes is repealed and the
721 following is substituted in lieu thereof (*Effective from passage*):

722 No person may be convicted of any crime punishable by [death] life

723 imprisonment without the possibility of release without the testimony
724 of at least two witnesses, or that which is equivalent thereto.

725 Sec. 37. Subsection (a) of section 54-91a of the general statutes is
726 repealed and the following is substituted in lieu thereof (*Effective from*
727 *passage*):

728 (a) No defendant convicted of a crime, other than a capital felony
729 under section 53a-54b in effect prior to the effective date of this section,
730 or murder with special circumstances, under section 53a-54b, as
731 amended by this act, in effect on or after the effective date of this
732 section, the punishment for which may include imprisonment for more
733 than one year, may be sentenced, or the defendant's case otherwise
734 disposed of, until a written report of investigation by a probation
735 officer has been presented to and considered by the court, if the
736 defendant is so convicted for the first time in this state; but any court
737 may, in its discretion, order a presentence investigation for a defendant
738 convicted of any crime or offense other than a capital felony under
739 section 53a-54b in effect prior to the effective date of this section, or
740 murder with special circumstances, pursuant to section 53a-54b, as
741 amended by this act, in effect on or after the effective date of this
742 section.

743 Sec. 38. Section 54-95 of the general statutes is repealed and the
744 following is substituted in lieu thereof (*Effective from passage*):

745 (a) Any defendant in a criminal prosecution, aggrieved by any
746 decision of the Superior Court, upon the trial thereof, or by any error
747 apparent upon the record of such prosecution, may be relieved by
748 appeal, petition for a new trial or writ of error, in the same manner and
749 with the same effect as in civil actions. No appeal may be taken from a
750 judgment denying a petition for a new trial unless, within ten days
751 after the judgment is rendered, the judge who heard the case or a judge
752 of the Supreme Court or the Appellate Court, as the case may be,
753 certifies that a question is involved in the decision which ought to be
754 reviewed by the Supreme Court or by the Appellate Court. It shall be

755 sufficient service of any such writ of error or petition for a new trial to
756 serve it upon the state's attorney for the judicial district where it is
757 brought.

758 (b) When such defendant is convicted and sentenced to a term of
759 imprisonment and, within two weeks after final judgment, files with
760 the clerk of the court wherein the conviction was had an appeal to the
761 supreme court or gives oral or written notice of his intention to appeal
762 to said court or to petition for a new trial, the appeal or the notice shall
763 operate as a stay of execution pending the final determination of the
764 case, provided the defendant is admitted to bail, except the appeal or
765 the notice shall not operate as a stay of execution, if within five days
766 after the filing of the appeal or notice thereof, the judge before whom
767 the criminal prosecution was tried directs in writing that the appeal or
768 the notice shall not operate as a stay of execution. Such order shall be
769 accompanied by a written statement of the judge's reasons for denying
770 the stay of execution. The order and the statement shall become a part
771 of the files and record of the case. If any defendant has been admitted
772 to bail following an oral or written notice of intent to appeal or petition
773 for a new trial and such defendant has failed, within twenty days after
774 the judgment from which the appeal is to be taken, or such further
775 period as the court may grant, to perfect the appeal or petition, a
776 mittimus for his arrest shall issue. If any defendant is imprisoned after
777 sentencing and before he is admitted to bail, such period of
778 imprisonment shall be counted toward satisfaction of his sentence. If
779 any defendant is admitted to bail and subsequently surrendered and
780 remitted to custody while his appeal is pending, the period of
781 imprisonment following thereafter shall be counted toward
782 satisfaction of his sentence.

783 [(c) In any criminal prosecution in which the defendant has been
784 sentenced to death and has taken an appeal to the Supreme Court of
785 this state or the Supreme Court of the United States or brought a writ
786 of error, writ of certiorari or petition for a new trial, the taking of the
787 appeal, the making of the application for a writ of certiorari or the

788 return into court of the writ of error or petition for a new trial shall,
 789 unless, upon application by the state's attorney and after hearing, the
 790 Supreme Court otherwise orders, stay the execution of the death
 791 penalty until the clerk of the court where the trial was had has received
 792 notification of the termination of any such proceeding by decision or
 793 otherwise, and for thirty days thereafter. No appellate procedure shall
 794 be deemed to have terminated until the end of the period allowed by
 795 law for the filing of a motion for reargument, or, if such motion is filed,
 796 until the proceedings consequent thereon are finally determined.
 797 When execution is stayed under the provisions of this section, the clerk
 798 of the court shall forthwith give notice thereof to the warden of the
 799 institution in which such defendant is in custody. If the original
 800 judgment of conviction has been affirmed or remains in full force at the
 801 time when the clerk has received the notification of the termination of
 802 any proceedings by appeal, writ of certiorari, writ of error or petition
 803 for a new trial, and the day designated for the infliction of the death
 804 penalty has then passed or will pass within thirty days thereafter, the
 805 defendant shall, within said period of thirty days, upon an order of the
 806 court in which the judgment was rendered at a regular or special
 807 criminal session thereof, be presented before said court by the warden
 808 of the institution in which the defendant is in custody or his deputy,
 809 and the court, with the judge assigned to hold the session presiding,
 810 shall thereupon designate a day for the infliction of the death penalty
 811 and the clerk of the court shall issue a warrant of execution, reciting
 812 therein the original judgment, the fact of the stay of execution and the
 813 final order of the court, which warrant shall be forthwith served upon
 814 the warden or his deputy.]

815 Sec. 39. Subsection (b) of section 54-125a of the general statutes is
 816 repealed and the following is substituted in lieu thereof (*Effective from*
 817 *passage*):

818 (b) (1) No person convicted of any of the following offenses, which
 819 was committed on or after July 1, 1981, shall be eligible for parole
 820 under subsection (a) of this section: Capital felony, as provided in

821 section 53a-54b in effect prior to the effective date of this section, or
822 murder with special circumstances, as provided in section 53a-54b, as
823 amended by this act, in effect on or after the effective date of this
824 section, felony murder, as provided in section 53a-54c, arson murder,
825 as provided in section 53a-54d, murder, as provided in section 53a-54a,
826 or aggravated sexual assault in the first degree, as provided in section
827 53a-70a. (2) A person convicted of an offense, other than an offense
828 specified in subdivision (1) of this subsection, where the underlying
829 facts and circumstances of the offense involve the use, attempted use
830 or threatened use of physical force against another person shall be
831 ineligible for parole under subsection (a) of this section until such
832 person has served not less than eighty-five per cent of the definite
833 sentence imposed.

834 Sec. 40. Subsection (d) of section 54-125d of the general statutes is
835 repealed and the following is substituted in lieu thereof (*Effective from*
836 *passage*):

837 (d) Notwithstanding any provision of the general statutes, a
838 sentencing court may refer any person convicted of an offense other
839 than a capital felony under section 53a-54b in effect prior to the
840 effective date of this section or a class A felony who is an alien to the
841 Board of Pardons and Paroles for deportation under this section.

842 Sec. 41. Subsection (a) of section 54-130a of the general statutes is
843 repealed and the following is substituted in lieu thereof (*Effective from*
844 *passage*):

845 (a) Jurisdiction over the granting of, and the authority to grant,
846 commutations of punishment or releases, conditioned or absolute, in
847 the case of any person convicted of any offense against the state [and
848 commutations from the penalty of death] shall be vested in the Board
849 of Pardons and Paroles.

850 Sec. 42. Section 54-130d of the general statutes is repealed and the
851 following is substituted in lieu thereof (*Effective from passage*):

852 (a) For the purposes of this section, "victim" means a person who is
853 a victim of a crime, the legal representative of such person or a
854 member of a deceased victim's immediate family.

855 (b) At a session held by the Board of Pardons and Paroles to
856 consider whether to grant a commutation of punishment or release,
857 conditioned or absolute, [a commutation from the penalty of death] or
858 a pardon, conditioned or absolute, to any person convicted of any
859 crime, the board shall permit any victim of the crime for which the
860 person was convicted to appear before the board for the purpose of
861 making a statement for the record concerning whether the convicted
862 person should be granted such commutation, release or pardon. In lieu
863 of such appearance, the victim may submit a written statement to the
864 board and the board shall make such statement a part of the record at
865 the session.

866 (c) If the Board of Pardons and Paroles is prepared to grant a
867 commutation of punishment or release, conditioned or absolute, [a
868 commutation from the penalty of death] or a pardon, conditioned or
869 absolute, to a person convicted of an offense involving the use,
870 attempted use or threatened use of physical force against another
871 person or resulting in the physical injury, serious physical injury or
872 death of another person, it shall make reasonable efforts to locate and
873 notify any victim of the crime for which such person was convicted
874 prior to granting such commutation, release or pardon and shall
875 permit such victim to appear before the board and make a statement or
876 submit a statement as provided in subsection (b) of this section.

877 (d) Upon the granting to any person of a commutation of
878 punishment or release, conditioned or absolute, [a commutation from
879 the penalty of death] or a pardon, conditioned or absolute, the Board
880 of Pardons and Paroles shall forthwith notify the Office of Victim
881 Services of its action.

882 Sec. 43. Section 54-131b of the general statutes is repealed and the
883 following is substituted in lieu thereof (*Effective from passage*):

884 The Board of Pardons and Paroles may release on medical parole
885 any inmate serving any sentence of imprisonment, except an inmate
886 convicted of a capital felony [as defined in section] under section 53a-
887 54b in effect prior to the effective date of this section, or murder with
888 special circumstances, under section 53a-54b, as amended by this act,
889 in effect on or after the effective date of this section, who has been
890 diagnosed pursuant to section 54-131c as suffering from a terminal
891 condition, disease or syndrome, and is so debilitated or incapacitated
892 by such condition, disease or syndrome as to be physically incapable of
893 presenting a danger to society. Notwithstanding any provision of the
894 general statutes to the contrary, the Board of Pardons and Paroles may
895 release such inmate at any time during the term of his sentence.

896 Sec. 44. Section 54-148 of the general statutes is repealed and the
897 following is substituted in lieu thereof (*Effective from passage*):

898 The support of prisoners in community correctional centers [,] or
899 sentenced to a correctional institution [, or sentenced to death,] shall be
900 paid by the state.

901 Sec. 45. Section 54-193 of the general statutes is repealed and the
902 following is substituted in lieu thereof (*Effective from passage*):

903 (a) There shall be no limitation of time within which a person may
904 be prosecuted for a capital felony under section 53a-54b in effect prior
905 to the effective date of this section, a class A felony or a violation of
906 section 53a-54d or 53a-169.

907 (b) No person may be prosecuted for any offense, except a capital
908 felony under section 53a-54b in effect prior to the effective date of this
909 section, a class A felony or a violation of section 53a-54d or 53a-169, for
910 which the punishment is or may be imprisonment in excess of one
911 year, except within five years next after the offense has been
912 committed. No person may be prosecuted for any other offense, except
913 a capital felony under section 53a-54b in effect prior to the effective
914 date of this section, a class A felony or a violation of section 53a-54d or

915 53a-169, except within one year next after the offense has been
916 committed.

917 (c) If the person against whom an indictment, information or
918 complaint for any of said offenses is brought has fled from and resided
919 out of this state during the period so limited, it may be brought against
920 such person at any time within such period, during which such person
921 resides in this state, after the commission of the offense.

922 (d) When any suit, indictment, information or complaint for any
923 crime may be brought within any other time than is limited by this
924 section, it shall be brought within such time.

925 Sec. 46. Subsection (b) of section 54-102jj of the general statutes is
926 repealed and the following is substituted in lieu thereof (*Effective from*
927 *passage*):

928 (b) Upon the conviction of a person of a capital felony under section
929 53a-54b in effect prior to the effective date of this section or murder
930 with special circumstances under section 53a-54b, as amended by this
931 act, in effect on or after the effective date of this section or the
932 conviction of a person of a crime after trial, or upon order of the court
933 for good cause shown, the state police, all local police departments,
934 any agent of the state police or a local police department and any other
935 person to whom biological evidence has been transferred shall
936 preserve all biological evidence acquired during the course of the
937 investigation of such crime for the term of such person's incarceration.

938 Sec. 47. Subsection (a) of section 54-131k of the general statutes is
939 repealed and the following is substituted in lieu thereof (*Effective from*
940 *passage*):

941 (a) The Board of Pardons and Paroles may grant a compassionate
942 parole release to any inmate serving any sentence of imprisonment,
943 except an inmate convicted of a capital felony [, as defined in] under
944 section 53a-54b in effect prior to the effective date of this section or

945 murder with special circumstances under section 53a-54b, as amended
 946 by this act, in effect on or after the effective date of this section, if it
 947 finds that such inmate (1) is so physically or mentally debilitated,
 948 incapacitated or infirm as a result of advanced age or as a result of a
 949 condition, disease or syndrome that is not terminal as to be physically
 950 incapable of presenting a danger to society, and (2) (A) has served not
 951 less than one-half of such inmate's definite or aggregate sentence, or
 952 (B) has served not less than one-half of such inmate's remaining
 953 definite or aggregate sentence after commutation of the original
 954 sentence by the Board of Pardons and Paroles.

955 Sec. 48. Sections 18-10a, 53a-46a, 53a-46b, 53a-46c, 54-99, 54-100, 54-
 956 100a, 54-101 and 54-102 of the general statutes are repealed. (*Effective*
 957 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	53a-54b
Sec. 3	<i>from passage</i>	53a-35a
Sec. 4	<i>from passage</i>	53a-35b
Sec. 5	<i>from passage</i>	53a-45(a)
Sec. 6	<i>from passage</i>	53a-54a(c)
Sec. 7	<i>from passage</i>	10-145b(m)
Sec. 8	<i>from passage</i>	10-145i
Sec. 9	<i>from passage</i>	46b-127(a)
Sec. 10	<i>from passage</i>	46b-133(a)
Sec. 11	<i>from passage</i>	51-36(c)
Sec. 12	<i>from passage</i>	51-199(b)
Sec. 13	<i>from passage</i>	51-246
Sec. 14	<i>from passage</i>	51-286c
Sec. 15	<i>from passage</i>	52-434(a)
Sec. 16	<i>from passage</i>	53a-25(b)
Sec. 17	<i>from passage</i>	53a-28(b)
Sec. 18	<i>from passage</i>	53a-30(a)
Sec. 19	<i>from passage</i>	53a-35(b)
Sec. 20	<i>from passage</i>	53a-39a(a)

Sec. 21	<i>from passage</i>	53a-40d(a)
Sec. 22	<i>from passage</i>	53a-46d
Sec. 23	<i>from passage</i>	53a-182b(a)
Sec. 24	<i>from passage</i>	53a-217d(a)
Sec. 25	<i>from passage</i>	54-2a(b)
Sec. 26	<i>from passage</i>	54-45(b)
Sec. 27	<i>from passage</i>	54-46
Sec. 28	<i>from passage</i>	54-46a(a)
Sec. 29	<i>from passage</i>	54-48
Sec. 30	<i>from passage</i>	54-53
Sec. 31	<i>from passage</i>	54-53a(a)
Sec. 32	<i>from passage</i>	54-82
Sec. 33	<i>from passage</i>	54-82g
Sec. 34	<i>from passage</i>	54-82h(a)
Sec. 35	<i>from passage</i>	54-82j
Sec. 36	<i>from passage</i>	54-83
Sec. 37	<i>from passage</i>	54-91a(a)
Sec. 38	<i>from passage</i>	54-95
Sec. 39	<i>from passage</i>	54-125a(b)
Sec. 40	<i>from passage</i>	54-125d(d)
Sec. 41	<i>from passage</i>	54-130a(a)
Sec. 42	<i>from passage</i>	54-130d
Sec. 43	<i>from passage</i>	54-131b
Sec. 44	<i>from passage</i>	54-148
Sec. 45	<i>from passage</i>	54-193
Sec. 46	<i>from passage</i>	54-102jj(b)
Sec. 47	<i>from passage</i>	54-131k(a)
Sec. 48	<i>from passage</i>	18-10a, 53a-46a, 53a-46b, 53a-46c, 54-99, 54-100, 54-100a, 54-101 and 54- 102 repealed

Statement of Purpose:

To repeal the death sentence as an authorized penalty for persons who commit certain murders.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]